REMARKS

In response to the Final Office Action dated December 7, 2009, and in response to the Request for Continued Examination file herewith, claims 21, 26-29, 30 and 31-35 have been amended and claims 24-25, 31 and 36 have been canceled. Claims 21-23, 26-30, 32-35 and 37 are pending in the application.

On page 2 of the Office Action, claims 21-23, 30 and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gutta in view of Danker.

On page 4 of the Office Action, claims 24-25, 28-29, 31 and 34-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Trajkovic in view of Danker.

On page 7 of the Office Action, claims 26-27 and 32-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Trajkovic in view of Danker, and in further view of Alexander.

Applicant respectfully traverses the rejection, but in the interest of expediting prosecution has amended the claims.

Independent claim 21 sets forth monitoring content viewed on a content viewing device by a user, generating a profile based on viewed content, processing incoming content to identify content available for recommendation, comparing available content to the profile, rating available content based on the comparison of the available content to the profile, determining, by a content recommendation engine, a content recommendation based on the rating of the available content, detecting when a system state change on the content viewing device is imminent, providing to the content viewing device of the user, prior to implementing the system state change, a perceptible indicator of a content recommendation prompting the user with a selection for deciding whether to view the content recommendation, switching to the

content recommendation without implementing the system state change when the user selects to view the content recommendation and implementing the system state change when the user selects to not view the content recommendation. Independent claims 31 sets forth similar elements.

Gutta merely discloses monitoring shows that are watched by a user and shows that are not watched by a user. The monitoring device records time, date, duration, channel, rating, title and genre of a given program. Attributes of programs are classified and placed in a decision tree based on a ranking of entropy of each of the attributes.

However, Gutta fails to disclose, teach or suggest processing incoming content to identify content available for recommendation. Gutta also fails to disclose, teach or suggest comparing available content to the profile. Rather, Gutta only reviews a program guide to make recommendations.

Gutta also fails to disclose, teach or suggest rating available content based on the comparison of the available content to the profile. Rather, Gutta uses a decision tree for making programming recommendations, wherein the positions of the various attributes of television programs in the tree based on a ranking of the entropy of each attribute. Entropy is the average amount of information needed to identify the class of a particular case in a set of training cases. However, Gutta does not rate available content based on the content matching the user profile. In fact, Gutta states that the recommender 100 makes recommendations without requiring any explicit profile information from the user.

Still further Gutta fails to disclose, teach or suggest detecting when a system state change on the content viewing device is imminent. Gutta does not even mention detecting a system state change.

Gutta further fails to disclose, teach or suggest providing to the content viewing device of the user, prior to implementing the system state change, a perceptible indicator of a content recommendation prompting the user with a selection for deciding whether to view the content recommendation. Gutta is a process for generating a recommendation. However, Gutta is silent on when to provide a recommendation. Thus, Gutta fails to suggest providing, prior to implementing the system state change, a perceptible indicator of a content recommendation.

Gutta further fails to disclose, teach or suggest switching to the content recommendation without implementing the system state change when the user selects to view the content recommendation. Gutta does not detect system state changes.

Gutta also fails to disclose, teach or suggest implementing the system state change when the user selects to not view the content recommendation. Gutta does not detect system state changes. Gutta also fails to suggest when a recommendation is provided or what occurs when a recommendation is accepted or declined.

Thus, Gutta fails to disclose, teach or suggest the invention as defined in independent claims 21 and 30, as amended.

Danker fails to remedy the deficiencies of Gutta. Danker merely discloses monitoring a viewing device for the occurrence of a specific event, such as a channel change. Danker discloses that when the event is detected, a user is notified of the availability of video on demand content related to the channel or program the user is watching.

However, Danker fails to disclose, teach or suggest processing incoming content to identify content available for recommendation. Danker also fails to disclose, teach or suggest comparing available content to the profile. Rather, Danker

only provides a notification that one or more programs that are related to the particular channel or program the user is watching is available.

Danker also fails to disclose, teach or suggest rating available content based on the comparison of the available content to the profile. Rather, Danker only discusses matching programs related to the particular channel or program the user is watching. Danker does not suggest rating matching programs.

Danker further fails to disclose, teach or suggest providing to the content viewing device of the user, prior to implementing the system state change, a perceptible indicator of a content recommendation prompting the user with a selection for deciding whether to view the content recommendation. Danker does not suggest when the prompt is provided to the user. Rather, Danker merely discloses monitoring a client device for events and detecting the occurrences of such events. Detected events information is sent to a control module. A user interface module provides a user prompt informing a user that one or more content programs associated with the event are available. However, Danker does not mention providing a prompt or an indicator prior to implementing the system state change. Thus, Danker fails to suggest providing, prior to implementing the system state change, a perceptible indicator of a content recommendation.

Danker further fails to disclose, teach or suggest switching to the content recommendation without implementing the system state change when the user selects to view the content recommendation. Again, Danker merely discloses monitoring a client device for events and detecting the occurrences of such events. Detected events information is sent to a control module. A user interface module provides a user prompt informing a user that one or more content programs associated with the event are available. However, Danker does not mention providing a prompt or an

indicator prior to implementing the system state change. Thus, Danker does not suggest witching to the content recommendation without implementing the system state change.

Thus, Gutta and Danker, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 21, 24, 30 and 31, as amended.

Trajkovic fails to remedy the deficiencies of Gutta and Danker. Trajkovic merely discloses providing recommendations to viewers based on the past viewing patterns of a group of viewers that are physically present in front of the television. However, Trajkovic fails to disclose

However, Trajkovic fails to disclose, teach or suggest processing incoming content to identify content available for recommendation. Trajkovic also fails to disclose, teach or suggest comparing available content to the profile. Rather, Trajkovic only provides recommendations based on past viewing history. Trajkovic does not mention processing incoming content.

Trajkovic also fails to disclose, teach or suggest rating available content based on the comparison of the available content to the profile. Rather, Trajkovic only discusses matching programs related to the viewers past history. Trajkovic does not suggest rating matching programs.

Trajkovic further fails to disclose, teach or suggest providing to the content viewing device of the user, prior to implementing the system state change, a perceptible indicator of a content recommendation prompting the user with a selection for deciding whether to view the content recommendation. Trajkovic does not suggest when the prompt is provided to the user. Rather, Trajkovic merely discloses providing

a recommendation. Thus, Trajkovic fails to suggest providing, prior to implementing the system state change, a perceptible indicator of a content recommendation.

Trajkovic further fails to disclose, teach or suggest switching to the content recommendation without implementing the system state change when the user selects to view the content recommendation. Again, Trajkovic merely discloses providing a recommendation based on viewing history. However, Trajkovic does not mention providing a prompt or an indicator prior to implementing the system state change. Thus, Trajkovic does not suggest witching to the content recommendation without implementing the system state change.

Thus, Gutta, Danker and Trajkovic, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 21, 24, 30 and 31, as amended.

Alexander fails to remedy the deficiencies of Gutta, Danker and Trajkovic. Alexander merely discloses detecting a change in a system state that is the activation of a device. However, Alexander fails to disclose, teach or suggest processing incoming content to identify content available for recommendation. Alexander also fails to disclose, teach or suggest comparing the identified available content to the profile.

Alexander also fails to disclose, teach or suggest rating available content based on the comparison of the available content to the profile. Rather, Alexander only discusses the arrangement of a list of television programs and advertisements. Alexander does not suggest rating matching programs.

Alexander further fails to disclose, teach or suggest providing to the content viewing device of the user, prior to implementing the system state change, a perceptible indicator of a content recommendation prompting the user with a selection

for deciding whether to view the content recommendation. Alexander does not suggest when the prompt is provided to the user. Rather, Alexander merely discloses activating functions of an EPG. Alexander does not mention detecting a system state change. Thus, Alexander fails to suggest providing, prior to implementing the system state change, a perceptible indicator of a content recommendation.

Alexander further fails to disclose, teach or suggest switching to the content recommendation without implementing the system state change when the user selects to view the content recommendation. Again, Alexander fails to mention detecting a system state change. Alexander also does not mention providing a prompt or an indicator prior to implementing the system state change. Thus, Alexander does not suggest witching to the content recommendation without implementing the system state change.

Thus, Gutta, Danker, Trajkovic and Alexander, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 21, 24, 30 and 31, as amended.

Dependent claims 22-23, 26-29, 32-35 and 37 are also patentable over the references, because they incorporate all of the limitations of the corresponding independent claims 21 and 30, respectively. Further dependent claims 22-23, 26-29, 32-35 and 37 recite additional novel elements and limitations. Applicants reserve the right to argue independently the patentability of these additional novel aspects. Therefore, Applicants respectfully submit that dependent claims 22-23, 26-29, 32-35 and 37 are patentable over the cited references.

On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 865-380-5976. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 13-2725 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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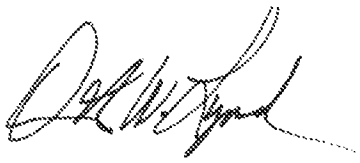

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